

BQC - 91 – 048 (supersedes BQC-90-037)

Date: September 9, 1991

To:	Nursing Homes	NH	22
	Facilities for the Developmentally Disabled	FDD	10

From: Larry Tainter, Director  
Bureau of Quality Assurance

Subject: Update on the Transmittal of Medical Orders from Physician's and Dentists' Offices

This memorandum replaces BQC-90-037 ("Transmittal of Medical Orders from Physicians' Offices", dated May 17, 1990), by further easing the requirements in HSS 132.60(5)(a)2 and HSS 134.60(4)(a)2 concerning the types of personnel who may transmit oral orders from a physician or dentist to a nursing home or facility for the developmentally disabled.

In BQC-90-037 we stated, effective October 1, 1990, that licensed nurses who worked for a physician or dentist would be allowed to transmit oral orders to a long-term care facility. We have since reexamined this issue after being asked if unlicensed staff can also transmit orders. Based upon this review, and in light of the procedural flexibility allowed by the new federal long-term care regulations, we have determined that licensed-only nursing homes and facilities for the developmentally disabled may, if they choose, also accept physician or dentist orders that are transmitted through an unlicensed person employed by the physician or dentist or employed at his or her clinic.

As a result of this decision, we are waiving the requirements in HSS 134.60(4)(a)2 for facilities for the developmentally disabled and in HSS 132.60(5)(a)2 for licensed-only nursing homes. (Certified nursing homes, via BQC-90-077, dated November 2, 1990, were granted a waiver of HSS 132.60(5)(a)2 and were allowed, as of that date, to receive orders transmitted through unlicensed personnel employed by the physician or dentist.)

The transmission of orders is a delegated medical act and as such the physician remains responsible for the content of the order transmitted.

Facilities implementing this practice should develop and incorporate policies and protocols to ensure compliance with the following state requirements:

HSS 132.60(5)(d)2. "Policies and procedures designed to provide safe and accurate administration of medications shall be developed by the facility and shall be followed by personnel assigned to prepare and administer medications and to record their administration..."

HSS 134.60(4)(d)2. "Facilities shall develop policies and procedures designed to provide safe and accurate administration of medications and these policies and procedures shall be followed by personnel assigned to prepare and administer medications and to record their administration."

As indicated in BQC-90-037, the Bureau recommends that facilities implementing this change develop protocols which:

1. Establish criteria which identify circumstances when the physician needs to be personally involved and when it is acceptable to delegate the transmittal of orders to an intermediary; and
2. Ensure that documentation describing the discussion of the person taking the order with the person transmitting the order exists in the nursing notes or progress notes.

A facility does not have to implement these changes. Facilities, because they are accountable for the health, safety and welfare of residents, can ultimately choose whether or not they wish to exercise this option and develop a protocol for receiving orders in this manner.

If you have questions regarding this change, please contact your Field Operations Manager.

LT/PT/BH/jh                      9639

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